Civil Contempt Petition No. 77 of 2005

Hon. P.C. Pant, J .

Heard learned counsel for the petitioner and learned Standing Counsel.

This contempt petition has been moved, complaining the disobedience of order dated 15.12.2004, passed in writ petition No. 1458 of 2004 (S/S). The operative portion of said order is as under:-

"In case the petitioners are covered by the aforesaid judgment of Hon'ble Supreme Court petitioners case shall be considered for regularization in the light of aforesaid judgment by the Authorities concerned."

The judgment of the Supreme Court to which the aforesaid order refers, is the judgment passed by the Apex Court in Civil Appeal No. 3634 of 1998 (State of U.P. Vs. Putti Lal).

Notices were issued by this Court to the respondents and a counter affidavit has been filed by him. In the counter affidavit, the respondent has stated that the case of none of the petitioners (out of the two), are covered as referred in the aforesaid order. It is further stated in the counter affidavit that none of the two fulfilled the conditions, required for regularization, as per the rules. It is further stated in the counter affidavit that petitioner No. 1 has not even worked for a single day from May, 1995 to 1996, May, 1996 to April, 1997 and even thereafter till 2003, he has not worked in any single calendar year, atleast for 240 days.

In the circumstances, it cannot be said if the respondent has committed any wilful disobedience of the court's order.

Learned counsel for the petitioners, submitted that the present petitioners are not being paid minimum salary of Rs. 2,550/- per month, unlike others who are being paid at that rate. This question cannot be considered in the contempt jurisdiction, as there is no order which directs the respondents to pay Rs. 2,550/- per month.

In the circumstances, the contempt petition is dismissed. Notices issued are discharged.

(P.C. Pant, J.)

Dt. 07.03.2006 .
Sweta